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3897	7590	05/23/2007	EXAMINER	
SCHNECK & SCHNECK			LEE, CLOUD K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/04/07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14, 17-18, 21, 24-26, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann (US Patent No. 6,003,714) in view of Petryna (US Patent No. 6,247,491) and Oliver (US Patent No. 4,266,813).

Buermann discloses a tamper notification and protection device comprising means (1 and 13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the means or the

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tapered cylinder for blocking the first fitting (see figure 2), first strap fastenable to the second strap (28 and 94), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a first strap receiver (28).

Buermann fails to disclose a tapered cylinder having a base and inner and outer surfaces with securing means, and the first strap having a ring.

Petryna discloses a tapered cylinder (see figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder in order to receive the valve as taught by Petryna (abstract).

Petryna discloses the strap having a ring (49) wherein the ring forming a needle eye shaped and the ring further having an extended base, wherein the burst disk is insertable into the ring. It would have been obvious that one of ordinary skill in the art at the time the invention was made to have provided the strap having a ring in order to secure the tapered cylinder to the nozzle and thereby preclude the tapered cylinder from becoming lost as taught by Petryna (see abstract).

Oliver discloses a tapered cylinder having inner and outer surfaces with securing means (see figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a tapered cylinder having inner and outer surfaces with securing means in order to attach the cylinder to any different sizes of thread as taught by Oliver (see Col 1 lines 26-45).

Regarding claim 11, Buermann discloses the cylinder, first and second straps are comprised of plastic (see Col 5 lines 16-19).

Regarding claim 13, the modified Buermann discloses the first strap and second strap is bendable at any location along the straps because the straps are bendable everywhere.

Regarding the intended used limitation “a ring through which the burst strap is insertable”, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

4. Claims 16, 19-20, 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buermann in view of Petryna and Oliver as applied to claims 1-15 above, and further in view of Robbins et al (US Patent No. 6,783,031).

Regarding claims 16, 19-20, 27 and 32, the modified Buermann fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided tangs as the securing because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is suitable (see Col 4 lines 22-29). Therefore, it would have been an obvious matter of design choice to modify Buermann to obtain the invention as specified in claim 16, 19-20, 27 and 32.

Response to Arguments

5. Applicant's arguments filed 3/19/07 have been fully considered but they are not persuasive.

Regarding applicant's argument that neither Buermann nor Flinta discloses a ring having an extended base and a ring through which a burst disk is insertable. The arguments are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

A handwritten signature in black ink, appearing to read "Eric Keasel". The signature is fluid and cursive, with the first name "Eric" and last name "Keasel" clearly distinguishable.

ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700